



United States Attorney
Southern District of New York

MEMO ENDORSED

BY FAX

Hon. Theodore H. Katz
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1660
New York, New York 10007-1312

Re: Gail Silberman v. Astrue
08 Civ. 3298 (RMB) (THK)

50 Chambers Street
New York, New York 10007

August 22, 2008

AUG 25 2008
CHAMBERS OF
THEODORE H. KATZ
US MAGISTRATE JUDGE

USDC SDNY
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DATE FILED: 8-25-08

Dear Judge Katz:

This Office represents the Commissioner of Social Security, defendant in this action. I write respectfully to advise the Court of recent events and to request an extension of defendant's time to answer or move with respect to the complaint.

Pursuant to the Court's order of June 23, 2008, defendant's answer was due August 8, 2008. The order appears on the docket, but unfortunately, this Office did not receive a copy of it. As a result, I erroneously believed that defendant's answer was due September 5, 2008. In the interim, while reviewing the administrative record in preparation to file an answer in this case, I encountered an issue that required further communication with the Agency. As a result, the Commissioner is reconsidering his position in this case. In order for this process to be completed, I respectfully request a forty-five day extension nunc pro tunc of defendant's time to answer or respond to the complaint, to September 22, 2008.

This is the government's second request for an extension of the answer due date. Plaintiff has kindly consented to this request. I apologize for any inconvenience my error has caused the Court.

*The Govt still file its response
to the Complaint by Sept. 22, 2008.
Any reply still be filed by*

October 2, 2008.

SO ORDERED

8/25/08

Theodore H. Katz

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

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Date sent: August 22, 2008

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To: Honorable Theodore H. Katz

Office Phone No:

Fax Number: (805) 212-7932

Reference : Gail Silberman v. Astrue
08 Civ. 3398 (RMB)(THK)

Remarks: